

**UNITED STATES DISTRICT COURT**

*EASTERN DISTRICT OF VIRGINIA*

**NORFOLK/NEWPORT NEWS DIVISION**

Thursday, September 29, 2016

**MINUTES OF PROCEEDINGS IN Open Court**

**PRESENT:** THE HONORABLE RAYMOND A. JACKSON, U.S. DISTRICT JUDGE

Deputy Clerk: P. Thompson

Reporter: Janet Collins, OCR

Set: 9:30 a.m.	Started: 9:45 a.m. 11:10 a.m. 11:55 a.m. 3:33 p.m. 3:57 p.m. 5:15 p.m.	Ended: 11:00 a.m. 11:30 a.m. 1:45 p.m. 3:41 p.m. 3:59 p.m. 5:25 p.m.
Case No. 2:16cr61		
United States of America		
v.		
Kenneth Ray Matthews, Defendant		
AUSA Darryl Mitchell appeared on behalf of the Government.		
Attorney James Brocoletti, Ret. appeared with defendant Kenneth Ray Matthews, on bond.		
Matter came on for trial by jury (Day #3).		
Petit jurors (12 & 2 alternate) appeared pursuant to adjournment last evening, 9/28/16.		
Stipulation read into the record.		
Govt. continued presentation of evidence - witness sworn and testified.		
Government rest.		
(Lunch Recess: 1:45 pm - 3:15pm)		
(continued on page 2)		

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Out of the presence of the jury, Defense Motion for Rule 29 as to count 2 - Argued - Court DENIES motion stating findings on the record.		
Out of the presence of the jury, Court advises deft. of rights re: testifying - deft. will not testify.		
Defendant presents evidence - witnesses sworn and testified.		
Defendant rest.		
Court and Counsel conducted charge conference outside of the presence of the jury.		
Closing arguments heard.		
Jury received Court's charge.		
Alternate jurors excused and remaining (12) jurors retired with instructions to begin deliberations at 1:40 p.m.		
Court Ordered jury sequestered for lunch.		
Out of the presence of the jury, Court and counsel discussed and answered questions of the jury.		
Jury later returned with a verdict - Verdict read into the record - Jury Verdict filed in open court.		
Jurors excused from service.		
Sentencing Procedures Order entered and filed in open court.		
Sentencing scheduled for 1/23/17 at 2:30pm in Norfolk.		
Court Grants Government motion to substitute physical exhibit 300 for a photo and to return physical evidence 400, 401, 402, 403, & 404 as photos are already admitted.		
Defendant remanded and Court adjourned.		